

Before the
Federal Communications Commission
2000 OCT 23 P 3:03 Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b), ¹)	
FM Table of Allotments,)	MM Docket No. 99-195
FM Broadcast Stations.)	RM-9563
(Wheatland and Wright, Wyoming) ¹)	RM-9958

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 11, 2000;

Released: October 20, 2000

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a *Notice of Proposed Rule Making*, 14 FCC Rcd 8250 (1999), issued at the request of Mountain West Broadcasting ("petitioner"), proposing the allotment of Channel 293C1 at Wheatland, Wyoming, as the community's second local FM transmission service (RM-9563). Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if allotted. Comments and a counterproposal were filed by Mount Rushmore Broadcasting, Inc. ("Mount Rushmore") proposing the allotment of Channel 293A at both Wheatland and Wright, Wyoming (RM-9958).²

2. In support of its proposal, Mount Rushmore states Wright is an incorporated community with a 1990 U.S. Census population of 1,236 persons. The community has its own mayor, town council, chamber of commerce, and town hall. Wright also has two schools, a public library, a bank, a motel, six churches, three restaurants, a bowling alley, a golf course, several social and civic organizations, and approximately 20 other businesses. Mount Rushmore asserts that its proposal would better serve the public interest and is preferred because it would not only provide a second local FM service to Wheatland, but also would provide a third local FM service to Wright, whereas petitioner's proposal would provide a second service to only one community.³ Thus, Mount Rushmore contends that its proposal is a better use of the spectrum.

3. Generally, conflicting proposals are considered on a comparative basis consistent with the FM allotment priorities set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88

¹ The community of Wright Wyoming, has been added to the caption.

² The counterproposal was placed on Public Notice on September 18, 2000 (Report No. 2439), RM-9958.

Mount Rushmore also includes a proposal to institute a proceeding to reevaluate the Commission's FM allotment priorities, claiming that the current allotment scheme discriminates against minorities. Such a proposal is not appropriately filed in an adjudicatory proceeding such as this and will not be considered further.

³ We note that in MM Docket No. 98-88, Channels 268C and 287A were allotted to Wright, Wyoming. See Wright and Clearmont, Wyoming, 15 FCC Rcd 13972 (2000); 65 FR 51236, August 23, 2000.

(1982).⁴ However, our staff has found alternate Class A channels for both Wheatland and Wright and a comparison is no longer necessary. Therefore, we find that the public interest would best be served by allotting Channels 293C1 and 289A at Wheatland, Wyoming, as the community's second and third local FM transmission services. Additionally, we allot Channel 224A at Wright, Wyoming, as the community's third local FM transmission service.

Technical Summary

4. An engineering analysis has determined that Channel 293C1 can be allotted to Wheatland in compliance with the Commission's minimum distance separation requirements with a site restriction of 41 kilometers (25.5 miles) north;⁵ and Channel 289A can also be allotted to Wheatland at city reference coordinates.⁶ Additionally, Channel 224A can be allotted to Wright in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.7 kilometers (6.0 miles) north to avoid a short-spacing to the allotment reference site for Channel 223C1, Douglas, Wyoming.⁷

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 4, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Wheatland, Wyoming	269A, 289A, 293C1
Wright, Wyoming	224A, 268C, 287A

6. Filing windows for Channels 289A and 293C1 at Wheatland, Wyoming, and Channel 224A at Wright, Wyoming, will not be opened at this time. Instead, the issue of opening filing windows for these channels will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

⁴ The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time aural service; (3) First local service, and (4) other public interest matters. [Co-equal weight is given to priorities (2) and (3).]

⁵ The coordinates for Channel 293C1 at Wheatland are 42-25-32 North Latitude and 104-57-21 West Longitude.

⁶ The coordinates for Channel 289A at Wheatland are 42-03-16 North Latitude and 104-57-08 West Longitude.

⁷ The coordinates for Channel 224A at Wright are 43-50-02 North Latitude and 105-28-29 West Longitude.

8. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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